

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 5693	DATE	9/19/2001
CASE TITLE	Business Electronic Soldering vs. Charles Smith		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Smith is ordered to file an appropriate amendment to the Answer in this Court's chambers on or before October 1, 2001. This Court retains the next telephonic status hearing date of November 2, 2001.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	SN courtroom deputy's initials	01 SEP 20 PM 1:27 FILED FOR DOCKETING	number of notices	Document Number 11
			SEP 21 2001 date docketed	
			<i>[Signature]</i> docketing deputy initials	
			9/20/2001 date mailed notice	
			SN mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**DOCKETED**  
**SEP 21 2001**

BUSINESS ELECTRONIC SOLDERING )  
TECHNOLOGIES, INC., )

Plaintiff, )

v. )

No. 01 C 5693

CHARLES SMITH, individually, etc., )

Defendant. )

MEMORANDUM OPINION AND ORDER

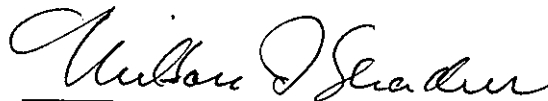
Defendant Charles Smith ("Smith"), acting through North Carolina counsel, has filed his Answer and Counterclaim to the Complaint brought against him by Business Electronic Soldering Technologies, Inc. ("BEST"). Although that pleading has not conformed to this District Court's LR 10.1, which requires a paragraph-by-paragraph summary of each allegation of a complaint (normally handled by copying each of its paragraphs) followed by each response, this Court will not send Smith's counsel back to the drawing board for that purpose. That provision is of course intended to facilitate the adversary's and the court's ability to see just what is and what is not being either admitted or put in issue without having to flip back and forth between the two pleadings, but given the bulk of BEST's Complaint this Court will not impose that burden on out-of-state counsel (who was undoubtedly unfamiliar with the requirement).

But the same is not true of counsel's repeated noncompliance with the straightforward roadmap provided by the second sentence

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of Fed. R. Civ. P. 8(b) when a party is unable either to admit or to deny an allegation but still seeks the benefit of a deemed denial--see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001). That noncompliance requires a recasting of Answer ¶¶2, 4, 5, 8-10, 16, 17, 26-31, 40 and 43. Unless Smith's asserted lack of information does not suffice to form a belief as to the truth of a particular BEST's allegation (a demanding standard), it is inappropriate for him or his counsel to invoke that standard.

Accordingly Smith is ordered to file an appropriate amendment to the Answer in this Court's chambers (with a copy of course to be transmitted to BEST's counsel) on or before October 1, 2001. This Court retains the next telephonic status hearing date of November 2, 2001.



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Milton I. Shadur  
Senior United States District Judge

Date: September 19, 2001